

Remarks

At present, Claims 1 – 5, 8 – 11, 13, and 19 – 25 (Claims 26 and 27 being renumbered in accordance with Rule 126) are rejected under 35 U.S.C. §103(a) as being unpatentable over GB 2164342 in view of Chen '321 or WO 98/46671. Reconsideration of this rejection is requested.

As amended, Claim 1 and 8, and claims depending on Claim 1 or 8 require sufficient cation to neutralize 95 – 110% of the combined acid from the acid copolymer and the monomeric organic acid.

As pointed out by the Office Action, GB 2164342 does not suggest inclusion of monomeric organic acids. While it does exemplify ethylene/acrylic acid copolymer, polyetheramide and neutralizing agent, it only suggests neutralizing all the acid of the ethylene/acrylic acid. It doesn't make any suggestion regarding neutralization of the acid in both ethylene/acrylic acid and monomeric organic acid.

Chen '321 or WO 98/46671 (collectively Chen References) are used as a basis for modifying GB 2164342 to include monomeric organic acids. Applicants question the basis for combining these references. But even if combined maintain that the references taken as a whole do not teach or suggest the invention taken as a whole.

Reference is made to Chen '321, col. 4, ll. 17 – 19, where the level of neutralization of ionomers is taught to be 10 – 90%, and col. 6, ll. 41 – 46, where it is taught that with high levels of ionomer neutralization, "it is possible to prepare the materials of the invention by adding stearic acid, rather than a stearate, since in effect, polymer with metal stearates, with somewhat lower level of neutralization of the ionomer will result." Thus, taken as a whole, Chen References teach away from the 95 – 110% in the claims as amended.

Claims 2, 12, and 20 stand rejected under 35 U.S.C. §112, second paragraph. Claim 2 has been deleted, making its rejection moot. Applicants request reconsideration of rejection of claims 12 and 20 in view of the amendments to the claims. Note, Claim 8 was amended to include the 1 – 35% limitation in dependent claim 20.

Applicants note the allowability of Claims 6, 7, 14, 15 and 18.

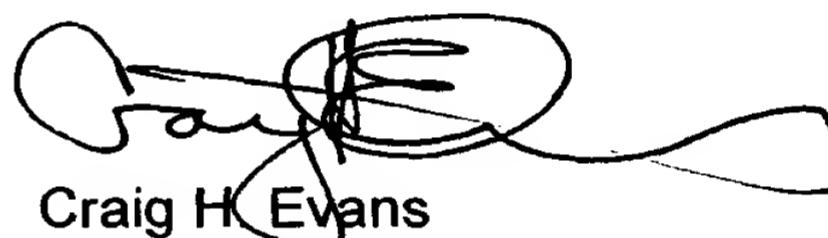
With the amendments, these claims now are either limited to those with

- (1) acid terpolymers containing (meth) acrylates for neutralization levels that include levels lower than 95%, or
- (2) acid co- and ter-polymers, but only at neutralization levels of 95% - 110%.

Applicants maintain that both groupings are allowable, group (1) as indicated in the Office Action and group (2) based on the remarks above.

In view of the above brief remarks and the enclosed amendments it is felt that all claims are now in condition for allowance and such action is requested. Should the Examiner believe that an interview or other action in Applicants' behalf would expedite prosecution of the application, the Examiner is urged to contact Applicants' attorney by telephone at (302) 992-3219.

Respectfully submitted,



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